

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-CV-160-FL

LYNETTE MELVIN,)	
Plaintiff,)	
)	
v.)	ORDER
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
Defendant.)	

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge James E. Gates, regarding the renewed motion (DE 28) of plaintiff’s counsel for attorney’s fees pursuant to 42 U.S.C. § 406(b). No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiff’s motion is GRANTED, and approval is awarded for the full amount of attorney’s fees requested in the amount of \$25,054.00. Defendant shall release to plaintiff’s counsel the remaining amount withheld from plaintiff’s past-due benefits, which equals the approved fees of \$25,054.00. Of this sum of \$25,054.00, plaintiff’s counsel shall hold \$3,792.00 in trust for plaintiff, representing the amount of the EAJA award to be refunded to plaintiff. Plaintiff’s counsel shall refund to plaintiff this sum of \$3,792.00 within two weeks after his receipt of the \$25,054.00 fee award from defendant. On the same date that plaintiff’s counsel refunds this sum of \$3,792.00 to plaintiff, he shall file a certificate with the court confirming that he has done so.

SO ORDERED this the 2nd day of July, 2013.



LOUISE W. FLANAGAN
United States District Judge